

THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

FILED
JAN 29 2008
US Court of Appeals
4th Circuit

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UNITED STATES OF AMERICA,

Appellee,

Docket No. 06-4494

Crim. No. 01-455-A

v.

ZACARIAS MOUSSAOUI,

Appellant.

-----X

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS'
MOTION FOR AN EXTENSION OF TIME IN WHICH TO FILE AN
AMICUS BRIEF PURSUANT TO FED. R. APP. 29(E)

JOSHUA L. DRATEL, pursuant to 28 U.S.C. § 1746, hereby affirms
under penalty of perjury:

1. I am a lawyer, and I am a co-chair of the National Association of Criminal Defense Lawyers' (NACDL) Amicus Committee. This Declaration is respectfully submitted in support of the NACDL's motion for an extension of time to file an amicus brief in support of Appellant Zacarias Moussaoui until seven days after an unclassified version of Appellant's opening brief is made public. Assistant United States Attorney David Raskin consents on behalf of the government, provided the government receives an extension of time to file its principal brief until sixty days after

the date on which the amicus briefs are due (a request to which the NACDL and Appellant, through his counsel, Justin S. Antonipillai, consent).

Appellant, through his counsel, Justin S. Antonipillai, consents to the relief requested in this motion.

2. The NACDL is a non-profit organization with a direct national membership of more than 12,000 attorneys, in addition to more than 35,000 affiliate members from all 50 states. The NACDL was founded in 1958 to ensure justice and due process for the accused; to foster the integrity, independence, and expertise of the criminal defense profession; and to promote the proper and fair administration of justice. In furtherance of this and its other objectives, NACDL files approximately 35 amicus curiae briefs each year, in this Court and others, addressing a wide variety of criminal justice issues.

3. The NACDL intends to file an amicus brief supporting Appellant Zacarias Moussaoui.

4. Appellant filed his principal brief on January 17, 2008. Thus, pursuant to Fed. R. App. P. 29(e) and 26(a)(2), motions for leave to file an amicus brief in support of Appellant are currently due January 29, 2008.

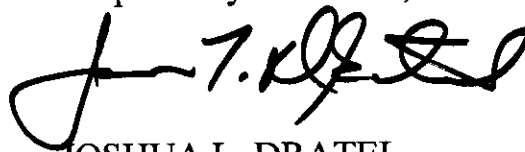
5. Because Appellant's brief is classified, the NACDL has been unable to review it to properly prepare its amicus brief, as Rule 29 contemplates.

6. The NACDL understands that other organizations also may be interested in filing amicus briefs in this case, but face the same dilemma as the NACDL given that the principal brief is currently classified.

7. An order extending the time for filing motions for leave to file amicus briefs (or consented amicus briefs) until seven days after an unclassified version of Appellant's brief has been made public would allow the NACDL and other potential amicus to maximize the usefulness of their briefs to the Court by eliminating duplication.

WHEREFORE, it is respectfully requested that this Court extend the time for filing motions for leave to file amicus briefs and consented amicus briefs on behalf of Appellant Zacarias Moussaoui until seven days after an unclassified version of Appellant's opening brief is made public, and any such further relief deemed just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. L. Dratel", with a stylized flourish at the end.

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CERTIFICATION

I hereby certify that a copy of the foregoing National Association for Criminal Defense Lawyers' Motion for an Extension of Time was faxed and sent by U.S. mail this 21st day of January 2008 to:

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A handwritten signature in black ink, appearing to read "Joshua L. Dratel", is written over a horizontal line.

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